

Message

From: Lisichenko, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LISICHENKO, PETER]
Sent: 1/2/2019 3:47:01 PM
To: peter.reuben (peter.reuben@dec.ny.gov) [peter.reuben@dec.ny.gov]
Subject: FW: protocol for contractors retrieving property
Attachments: 2001 JLG 800A.PDF; ATT00001.htm; 2006 Terex Screening Plant.pdf; ATT00002.htm; Cat 988 Wheel Dozer.pdf; ATT00003.htm; 1991 Pierce Lance Fire Truck.pdf; ATT00004.htm

FYI --

-Pete

Peter Lisichenko
U.S. EPA Region 2
347-276-6251 (cell/text)

From: Stravino, Jeffrey <JStravin@hodgsonruss.com>
Sent: Friday, December 28, 2018 4:04 PM
To: Lieber, Thomas <Lieber.Thomas@epa.gov>; Lisichenko, Peter <lisichenko.peter@epa.gov>
Cc: Ludmer, Margo <ludmer.margo@epa.gov>; Laura Rowley <Laura.Rowley@usdoj.gov>; Graber, Garry <GGraber@hodgsonruss.com>; Thoman, James <JThoman@hodgsonruss.com>; Paul Saffrin <psaffrin@tonawandacoke.com>; mdurkin@tonawandacoke.com
Subject: Fwd: protocol for contractors retrieving property

Tom and Peter,

FYI, attached are the leases for the equipment that will be removed on Jan 3.

Sincerely,
Jeff

Begin forwarded message:

From: "Paul A. Saffrin" <psaffrin@tonawandacoke.com>
Date: December 28, 2018 at 3:53:10 PM EST
To: "Stravino, Jeffrey" <JStravin@hodgsonruss.com>
Cc: "Graber, Garry" <GGraber@hodgsonruss.com>, "Thoman, James" <JThoman@hodgsonruss.com>, <mdurkin@tonawandacoke.com>
Subject: RE: protocol for contractors retrieving property

Jeff,
Attached are the leases of the final 4 pieces of machinery at TCC.
2001 JLG
2006 Terex screening plant
Cat 988
Fire Truck

-paul

On Dec 26, 2018, at 5:39 PM, Stravino, Jeffrey
<JStravin@hodgsonruss.com> wrote:

I am re-sending a third time because Jim Doyle's email said that he is out of the office until January 2 and that we should contact Tom Lieber. Hopefully the third time will be a charm. Tom, can you please review the emails below and give me a call? 716-239-5100. Thank you.

From: Stravino, Jeffrey
Sent: Wednesday, December 26, 2018 5:36 PM
To: 'Rowley, Laura (ENRD)' <Laura.Rowley@usdoj.gov>; 'Ludmer, Margo' <ludmer.margo@epa.gov>; 'doyle.james@epa.gov' <doyle.james@epa.gov>
Cc: Graber, Garry (ggraber@hodgsonruss.com) <ggraber@hodgsonruss.com>
Subject: RE: protocol for contractors retrieving property

I am re-sending and copying Jim Doyle on this email as I received a bounce back email from Margo saying that she is out until Friday. Jim, please don't hesitate to call me at 716-239-5100. Thank you.

From: Stravino, Jeffrey
Sent: Wednesday, December 26, 2018 5:33 PM
To: 'Rowley, Laura (ENRD)' <Laura.Rowley@usdoj.gov>; Ludmer, Margo <ludmer.margo@epa.gov>
Cc: Graber, Garry (ggraber@hodgsonruss.com) <ggraber@hodgsonruss.com>
Subject: RE: protocol for contractors retrieving property

Margo and Laura,

I called Margo over the lunch hour and left messages at her office and on her

cell. I also just called Laura and left a message on her office number.

As I mentioned in my voicemail messages, a company (Rouse Breihan – “RB”) would like to remove its equipment from TCC property but has been locked out by EPA and/or EPA’s contractor(s). RB would like to take advantage of both the current warm weather (relatively speaking) and lack of snow, partly because the better chance the equipment will start up and it should be easier to move. RB would like to remove the equipment at 10 am tomorrow morning. AJ Verel is no longer with TCC, and EPA and/or its contracts are running the security at the TCC site, so RB contacted Peter Lisichenko at EPA. Peter said that RB can’t remove the equipment until after EPA’s contractor returns on January 3. This doesn’t seem right, as TCC is the debtor in possession of the property, and TCC is fine with RB removing its own equipment, as TCC does not own or have any rights to that equipment. So can you please confirm ASAP that it is ok for RB to remove its equipment tomorrow (Thurs) at 10 am?

Thank you,
Jeff

<image001.png>

Jeffrey C. Stravino

Partner
Hodgson Russ LLP

Tel: 716.848.1394 | Mobile: 716.239.5100 | Fax: 716.819.4659

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From: Rowley, Laura (ENRD)

[<Laura.Rowley@usdoj.gov>](mailto:Laura.Rowley@usdoj.gov)

Sent: Wednesday, October 31, 2018

11:23 AM

To: Stravino, Jeffrey

<JStravin@hodgsonruss.com>

Subject: TCC: protocol for contractors
retrieving property

Hi Jeff,

I realized as I reviewed my emails that we spoke with Garry about a protocol for having vendors or contractors come on site to retrieve their belongings. We reached an agreement, which EPA described in an email to Tom Budroe, but Garry was not copied on that email:

"We have reached out to Garry Graber, TCC's bankruptcy lawyer, in an effort to establish a protocol for what to do when various persons seek access to the property for whatever reason, once we take control of the property. We discussed it with him and have arrived at the following conclusion.

He indicated that if anyone arrives at the facility, presumably at the guard booth, you (or whoever is there) should contact A.J. Verle at 716 390-8400. He will come and escort them around the facility. Wait for Mr. Verle to get there or provide some other instruction. If there is some problem with Mr. Verle, Mr. Durkin's # is 716 432-0316."

This was designed to deal with unannounced visitors. With respect to those already coordinating with you, such as WTS, I'm sure an email or call for you or Garry to Tom would be fine. If there's any reason that WTS shouldn't come at a particular time (due to any activities ongoing that might pose some danger), I'm sure Tom can let you know that and indicate when it will be safe to come.

Please feel free to let me know if there are any questions. I will also get back to you as soon as I can about whether EPA has any issue with tendering the permits.
Laura

Laura J. Rowley
U.S. Department of Justice

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